

REMARKS

Claims 1-20 are pending in the present application, and are subject to a restriction requirement as follows:

Group I, claims 1-8, drawn to a polyester prepared by a process in presence of of specific enzymes such as hydrolases.

Group II, claims 1 and 9-16, drawn to a polyester prepared by a process that does not require the presence of specific enzymes such as hydrolases.

Group III, claims 17 and 18, drawn to a process for preparing a polyester.

Group IV, claims 19 and 20, drawn to a composition comprising the polyester.

In response to the Examiner's restriction requirement, Applicants hereby elect the prosecution of Group III, claims 17 and 18, drawn to a process for preparing a polyester, with traverse.

This election is being made without prejudice to Applicants' rights with respect to the unelected claims, including the right to file divisional application(s) thereon.

Applicants respectfully request reconsideration in view of the following remarks.

There are two criteria for a proper requirement for restriction between patentably distinct inventions: (1) the inventions must be independent or distinct as claimed; and (2) there would be a serious burden on the examiner if restriction is not required. Emphasis added, see MPEP §803.

Applicants respectfully submit that searching the subject matter of groups I-IV, as outlined in the outstanding office action, does not place a serious burden on the Examiner (as defined in section 803 of the MPEP), but would unduly burden Applicants by requiring them to file and prosecute multiple applications, and pay fees and maintain multiple patents, to obtain the patent protection to which they are entitled.

Thus, Applicants respectfully request withdrawal of this restriction requirement, and that all the claims be considered in the present application.

No extension of time is believed to be necessary. However, Applicants hereby petition under 37 CFR 1.136 and other applicable rules to have the response period extended the number of months necessary to render the attached communication timely in the event a petition is required.

If there are any additional charges with respect to this response, please charge them to deposit account no. 23-3425.

As always, the Examiner is encouraged to contact the Undersigned by telephone if direct conversation would be helpful.

Respectfully submitted,

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